DOCUMENT RESUME

ED 128 530 UD 016 356

AUTHOR Mizell, M. Hayes
TITLE Desegregation in South carolina.
PUB DATE 11 Nov 74
NOTE 20p.; Speech presented at the Symposium "Desegregation: Past, Present, and Future" (Charleston, South Carolina, November 11, 1974)

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS Bias; Economically Disadvantaged; *Educational Opportunities; Federal Court Litigation; Federal Government; *Federal Programs; Government Role; Integration Litigation; *Integration Methods; *Integration Plans; Law Enforcement; Public Policy; Public Schools; *School Integration; Supreme Court Litigation
IDENTIFIERS *South Carolina

ABSTRACT

Eight years ago, official resistance to desegregation of the public schools in South Carolina was still firm. Due to the pressure applied by the Federal Courts and the Department of Health, Education, and Welfare (HEW) Office of Civil Rights, more desegregation began to occur gradually during the years after 1966. In January 1970, the Greenville and Darlington County schools were ordered to eliminate their dual school systems in midyear. HEW made it clear to South Carolina school officials that freedom of choice was no longer acceptable in those districts where they had clearly failed to eliminate segregation. At present there are 57 school districts which are operating under voluntary desegregation plans and 36 under Federal court order. A host of these court order districts are operating under obsolete, unlawful desegregation plans. The movement for "structural desegregation" of the schools in South Carolina is over. While the system of dual schools has been substantially eliminated, the same energy has not been devoted to eliminate the barriers which still block the road to a quality education for black and poor children. These barriers assume the form of the continuing costs of desegregation and new inequities unforeseen and unanticipated five to ten years ago. (Author/JM)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED128530

Remarks of

M. Hayes Mizell

Director

South Carolina Community Relations Program
of the
American Friends Service Committee

presented November 11, 1974
at the Symposium,

"Desegregation: Past, Present, and Future,"

sponsored by the Department of Urban Studies,
College of Charleston, Charleston, South Carolina

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

UD 016356

Eight years ago when I returned to South Carolina to work for the American Friends Service Committee the official resistance to desegregation of the public schools was still firm, though just beginning to show some signs of deterioration. Then there were 108 school districts (there are 93 now) and in that year 95% of the Black students in this state were attending segregated schools.

The rhetoric of resistance, however, was still present. The county superintendent of education in Clarendon County was still insisting that integration was "theologically wrong" and Senator Strom Thurmond was still making statements like, "Oppression through arbitrary power is no longer just a threat, it is a reality." He was referring, of course, to the efforts of the U.S.Department of Health, Education and Welfare to enforce Title VI of the 1964 Civil Rights Act.

Congressman Mendel Rivers had long since stopped making such absolute statements as he had made in 1956 when he said, "Regardless of the court decision, we will never see integration in South Carolina in our lifetime," but he was still fiesty enough to call U.S. Commissioner of Education Harold Howe a "misfit" and to accuse him of talking "like a Communist." The editorial page of The News and Courier also attacked Howe as a "zealot for integration" and observed that, "The American way of life is supposed to be a free way of life, not a social laboratory for off-beat experiments in human relations."

These reactions came in the wake of the insistence by HEW's Office for Civil Rights that the Federal law prohibiting segregation in federally funded programs not only be observed but implemented. School districts were beginning to use so-called "freedom of choice" desegregation plans in which Black parents and children were expected to bear the brunt of dismantling the dual system of segregated schools by individually applying to attend formerly all white schools. But little was done by school officials to encourage freedom of choice. Their posture was at best neutral. This meant that all the forces of a hostile majority society could work on the Black parents' alleged freedom to choose. Thus, in the summer of 1966 it was anticipated that 142 Black children would be attending the formerly all white school in Charleston County School District #9 but when school opened only 31 Black children appeared to enroll.

The continuing resistance to school desegregation by South Carolina school officials, politicians, and newspapers was in keeping with the attitudes of other majority communities accross the South. It was clear that segregated public schools would not be abolished through the freedom of choice technique. In 1968 the U.S.Supreme Court, in a case originating in Virginia (Green v. New Kent County), ruled that freedom of choice plans which failed to disestablish the dual school system would have to be ababdoned in favor of some other technique which would effectively achieve the mandates of the Court's 1954 decision in Brown. The Court said that school districts were under an affirmative duty to take necessary steps to eliminate segregation "root and branch" and further said that a desegregation plan was insufficient unless it created a system in which there were

neither Black schools nor white schools but rather "just schools."

The 1968 Green decision was strengthened in 1969 when the Court ruled in a Mississippi case (Alexander v. Holmes County) that the 1955 standard of "all deliberate speed" was "no longer constitutionally permissable." Complete desegregation, the Court said, must be implemented "at once."

Due to the pressures applied by the Federal courts and HEW's Office of Civil Rights more desegregation began to gradually occur during the years after 1966. In 1967, 7% of all the Black students in the state's public schools were in desegregated schools; in 1968 the percentage increased to 15% ; and in 1969 it nearly doubled to 29% as one of every ten pupils in South Carolina's schools were in schools where the Federal funds had been terminated or had not been increased because Federal desegregation guidelines weren't met.

But the big jump came during the 1970-1971 school year. In January of that year the Greenville County and Darlington County schools were ordered to eliminate their dual school systems in mid-year and later HEW made it clear to South Carolina school officials that freedom of choice was no longer acceptable in those districts where it had clearly failed to eliminate segregation. When school opened in 1970 there were these suprising fugures: 59% of the Black students enrolled were attending formerly white schools and 34% were attending formerly all Black schools but with white students; 85% of the white students enrolled were attending formerly all white schools with Blacks and 14% were attending formerly all Black schools.

Clearly, in many school districts there were no longer Black or white schools but "just schools."

The final blow to public school segregation in South Carolina came in 1971 when the Supreme Court ruled in a Charlotte, North Carolina, case (Swann v. Charlotte-Mecklenburg) that all the techniques of pupil assignment --redrawing attendance zones, consolidating schools, and transporting students -- must be used to the end of achieving "the greatest possible degree of actual desegregation." With that most of the vestiges of the dual school system crumbled in South Carolina. There were a couple of years of mopping up operations to structurally dismantle most of the remaining dual systems in the state but by the end of 1971 the real pressure was off. Indeed, it finally became necessary for some private plaintiffs to take HEW itself to court to get that department's Office of Civil Rights to continue its enforcement of Title VI. In that case (Adams v. Richardson) a U.S.District Court Judge found that HEW had indeed failed to complete its enforcement of the law and ordered the department to reopen some desegregation cases, to more vigorously investigate complaints brought to its attention, and to report to the Court what actions it was taking to make sure that public schools were obeying Title VI of the 1964 Civil Rights Act.

At present there are 57 school districts in South Carolina which are operating under voluntary desegregation plans and 36 are under Federal court order. Apparently a host of these court order districts are operating under obsolete, unlawful

desegregation plans which were developed on the basis of the judicial standards of 1970 and which were subsequently approved by our U.S.District Courts in that year. The districts operating under these plans, therefore, problably are not completely in compliance with the Constitutional mandates which have been set forth by the Federal courts since that time. In nearly all of the court order districts the desegregation litigation is dormant.

Why is this so? Well, first of all school districts have generally defaulted in their responsibility to constantly review and update their desegregation plans. We just haven't had that kind of leadership and committment. Second, plaintiffs who initiated suits, or organizations which provided the legal counsel to enable them to do so, have generally failed to seek new motions for further relief to complete the desegregation of the schools or to attack new problems which have surfaced in the wake of desegregation. Though the failure to be continually vigilant can easily -- and in most cases appropriately-- be laid at the doors of the U.S.Department of Justice, the Legal Defense Fund, the NAACP, and their attorneys, it is the plaintiffs themselves and other concerned citizens in the Black community who must assume the basic responsibility for the dormancy of most desegregation cases in court order districts. Where there are no community demands that the existing court orders be updated to complete the desegregation process or to tackle post-desegregation problems one can hardly blame attorneys and organizations for turning to other issues.

In the voluntary plan districts the Office for Civil Rights has long since ceased making an annual on-site review of the civil rights compliance of every such school district in the state. Now OCR depends on statistical data on student enrollments which school districts must submit to that agency by the middle of October of each school year. If that raw data reveals some problem, OCR may inquire further and may or may not make an on-site review of the district. OCR is also required to give attention to specific complaints of discrimination which it receives from citizens but unfortunately there are all too few citizens who know when or how or where to submit an effective complaint. Such a complaint may not be acknowledged for a month or more and usually will be acted on by OCR writing to the school district to request more information about the policy, program, practice, or incident which stimulated the complaint. Depending on the nature of the reply OCR then decides whether or not an on-site review of the district is necessary.

OCR now spends a great deal of its time closely examining those districts which have applied for funds under the Emergency School Assistance Act, which provides money for school districts to establish programs that will help resolve problems which have come after desegregation. Under the ESAA regulations the Office for Civil Rights must carefully review the compliance status of each school district applying for ESAA funds, and each district must receive an "all clear" from OCR before its application can be considered on the merits of the program it

proposes to initiate with the ESAA funds. Because the ESSA regulations contain more stringent civil rights requirements than does Title VI or the guidelines issued subsequent to that act, OCR has devoted most of its attention to school districts which apply for ESAA funds and are therefore subject to the ESAA regulations. However, this does not include all school districts since some do not choose to apply or because some districts are ineligible. Charleston, for example, submitted but then withdrew an ESAA application.

The whole compliance review process is further complicated by the fact that most Title VI complaints regarding employment discrimination in public schools are no longer handled by OCR but by the Equal Employment Opportunities Commission. In fact, the data which school districts must submit regarding the racial composition of all of the districts' administrative staff and teaching personnel must now go directly to the EEOC. The EEOC has a tremendous backlog of complaints from many different sources under Title VII and this means that complaints regarding discrimination in public school employment may not be acted on for some time.

In addition to all of the above, the official posture of the Federal government is that Federal funds to local school districts should not be terminated in the face of continuing discrimination except as a last resort. In a letter to me last month Peter Holmes, Director of the Office of Civil Rights wrote:

> "....,rather than resorting to Federal fund termination we have been following a policy of conciliation and persuasion to accomplish positive and lasting desegregation results. What former President Nixon had stated, and I am sure President Ford will re-affirm: ' Our policy is one of cooperation rather than coercion.' It should be noted that by pursuing this policy very few school districts have had their Federal financial assistance withdrawn in the past five years."

I believe that statement speaks for itself though it is obviously open to various interpretations.

All of this indicates to us that the movement for what I call the "structural desegregation" of the schools in this state is over. On the one hand it appears there is little appetite among those who pressed for desegregation to complete the task once and for all. Some one race schools remain, as those of you in this city well know, and some schools which have a highly disproportionate Black-white student enrollment ratio, relative to the district-wide ratio, also remain. A school system's disestablishment of the dual school structure may not be Constitutionally pure in the opinion of professional desegregation advocates but until further tested by the Black citizens of that school system we can only conclude that for them it is apparently satisfactory as a response to demands that the dual system be abolished. On the other hand the Federal civil rights enforcement of laws which are now ten years old have become more routine and bureaucratized. The violations of those laws are becoming increasingly difficult to document and prove and this means that local school problems which are rooted in discrimination may be best and most expeditiously solved by local community action. As we shall see there are other "second generation" school problems which perhaps

can only be resolved by local citizen involvement and community organization -- not by Federal laws, regulations, or officials.

But I do think it is important for us to understand that the dismantlement of the dual school structure in this state is a significant achievement. I point this out because there are some people who believe we cannot move forward unless we first establish and defend the premise that there has been no progress.

But rather than to deny the fact of the achievement of structural desegregation, I would prefer that we look at it in perspective. The struggle to abolish the system of one-race schools in this state was so long and so intense that many people lost sight of the ultimate goal. That goal was not merely to eliminate segregated schools but rather to remove the barrier which public school segregation presented to the struggle to achieve quality education. The abolition of the dual school system was but the necessary first step in this process though many people apparently came to see that as the goal itself.

For others the struggle to achieve school desegregation was merely part of the larger movement ot achieve recognition, respect, and power as a people. It was not inappropriate for school desegregation to serve this purpose, indeed it was inevitable and necessary, but the effect was that once there was some visable evidence the recognition, respect, and power was beginning to be achieved, many people "dropped out" of what has become the continuing struggle to achieve quality education in the post-desegregation era.

Thus, while we have substantially eliminated the system of dual schools in this state we have not devoted the same energy to eliminating the barriers which still block the road

to a quality education for Black and poor children. These barriers no longer assume the form of one-race schools but of the continuing costs of desegregation and new inequities unforeseen and unanticipated five or ten years ago. Let me now share some examples of these current barriers:

(1) Curriculum Practices - There is evidence that some school districts are utilizing curriculum techniques which have the effect of either providing children a sub-par education or which place them in classrooms which are composed of students of one race or nearly all of one race. Last year in Florence County School District #5 HEW found that in both the Johnsonville Elementary and the Johnsonville Middle Schools the school district was ability-grouping children. There was no evidence to indicate the educational benefits of such grouping and the classes where racially identifiable in both schools. The school district was also maintaining a kindergarten program which was predominatly white due to an inadequate recruitment plan to achieve the maximum participation of Black children in the program.

Last during the last school year the Office for Civil Rights terminated an Emergency School Assistance Act to the Edgefield County School District because the superintendent lied to HEW about the number of Black and white teachers hired in the system. The superintendent reported that he had hired twice as many Black teachers as white but when HEW investigators went to the county they found that in fact 23 white teachers had been hired and only 12 Blacks were employed. Later they also found out that on the day HEW made its investigation Black and white students were shifted amoung classes so as to give the appearance that the classrooms were perfectly integrated. After the officials left the school

district the children were sent back to their original segregated classes.

In Allendale County school officials have persuaded the school board, which includes four Blacks, that the school district should initiate a system-wide plan of homogeneous grouping of students with the placement of students being determined " on the basis of standardized test scores indicating their instructional level." When the district, which receives $320,000 in Emergency School Assistance Act funds, was asked by HEW to submit data on the racial composition of the newly grouped classes, one school official told the school board, "We shouldn't worry whether we're going to get caught but rather try and serve the child." Nevertheless, the school district hired a school psychology professor at the University of South Carolina to write a justification of the homogeneous grouping plan.

Last spring in Dorchester County School District #2 (Summerville) a guidance counselor came to one of the elementary schools to help students who would be entering the junior high school the following year sign up for some elective courses. The counselor told students that boys could not sign up for home economics and girls could not sign up for wood-working. This was in clear violation of Title IX of the Education Amendments of 1972 but the principal said it was merely due to "crowded conditions."

These are examples, in my judgement, of how bad education and/or discrimination can continue to exist in school districts which may have abolished a system of Black and white schools but which nevertheless have failed to provide the kind of program or example which indicates major steps are being taken to create a

a quality education system for all children.

(2) Financing - Two years ago the AFSC South Carolina Community Relations Program had a study made of South Carolina's school finance system to determine its impact on minority citizens in this state. Let me share with you two quotes from that study which highlight its findings:

> "Our examination of data on income, race, and school revenue yielded one very clear conclusion: poor people and non-whites must pay more to receive less from the system."
>
> "In sum, districts with higher proportions of pupils in need of compensatory educational services receive less from South Carolina's state finance system than do wealthier districts with less need."

The impact of the state's school finance system can be seen in the fact that the five districts in the state with the top state/local revenue have almost twice as much money from that source as do the five districts in the state with the least state/local revenue. As the study pointed out the poorest districts in the state are also those that have large numbers of Black children and the districts are predominatly rural.

In Marion County there are four school districts and blatant discrimination in the system of allocating the county's financial resources among the districts. Because there is a great disparity in the property wealth of the four school districts the funds which are raised for school purposes through the local property tax vary greatly. The effect of this inequitable system of school finance means that in District #1 the local salary supplement for a beginning teacher with a B.A. degree is $925; in District #2 the supplement drops to $610 for a teacher with the same qualifications; in District #3 the supplement drops even lower, to $400 for the teacher; and in District #4 the supplement

crashes to $270. Guess which two districts are the most heavily Black (#3--84%; #4--71%) ? Guess which districts are the most rural and have the smallest enrollment ? That's right, District #3 and District #4. Guess to which districts the teachers with Master's degrees tend to go ?

The issue of school finance reform is one which may not be regarded as important by many people, but as we have seen it is vital to the educational futures of children who live in poor, rural, and predominatly Black districts in South Carolina. It does involve discrimination, make no mistake about it, and it is an issue which has emerged in this state because we can now talk about its effect on all children in low-wealth districts and we no longer have to get hung up on school segregation. While the issue is somewhat complex and sophisticated it is one which will only be resolved when the people of this state convince the legislature it is urgent to eliminate this barrier to quality education.

(3) Exclusion of Students - Two years ago in South Carolina there were 39,491 students in our public schools who were suspended or expelled at least once. Of the 38,903 suspensions reported by school districts to HEW, 21,670 were Black students. In Charleston there were 2,345 minority students suspended and 1,927 white students suspended. During this past school year in Richland County School District #1 there were 5,116 Black students who received short term suspensions while 1,234 white students were suspended on a short term basis. During the first attendance period of the current school year the Columbia school district had 914 short-term suspensions among Black students and 259 such suspensions among white students. The school district

is 60% Black in its enrollment.

Let me make it clear that the tremendous number of short term suspensions are not for acts of violence or crime. Rather, the suspensions result largely from "class cutting," "disobedience," "truancy," "profanity," and "disrespect."

This too is a broad and complex subject but the sheer numbers of students involved raises questions about the effectiveness of our disciplinary techniques, their fairness, and their effect. Again, this is largely a post-desegregation phenomenon which not only is not solving the problems of discipline in our schools but which may be indicative of new manifestations of discrimination. If we care so little about whether children get an education that we put them, thousands of them, out of school for days at a time, then obviously we are creating a new barrier to quality education for many of the children who need it the most.

But there are other forms of exclusion which are also damaging. This year in Clarendon County School District #2 several children were told they could not return to school until they paid their school fees. Because their parents were unable or unwilling to pay the fees the children were out of school for nearly a week until a community worker negotiated with school officials and persuaded them to let the children return.

And in a number of school districts this fall children with mental or physical handicaps were denied their right to an education as required under South Carolina's Mandatory Education for the Handicapped Act. The South Carolina Association for Retarded Citizens received dozens of calls from parents who asked that agency to intervene on their behalf with school officials so that their children would have the opportunity to go to public school

as is their right.

Early next month the Children's Defense Fund will release a national study called Children Out of School in America. The study will document for the first time the scope of the exclusion problem in this nation and I urge you to get a copy and study it carefully.

(4) The Black Education Professional - Several years ago a native of Laurens County, South Carolina, wrote a doctoral dissertation entitled, "A Study of Displaced Black High School Principals in the State of South Carolina, 1963-1973." That study revealed that during the years between 1963 and 1973 the number of Black public school principals in this state declined from 142 to 46 and it noted that in nearly half of the state's 46 counties Black principals had been totally displaced. While the percentage of all the principals in the state was 61% white -- 39% Black in 1963, by 1973 the percentage was 80% white -- 20% Black.

This is graphic proof of the demise of the Black education professional in South Carolina, and it is not restricted to principals.

In Marion County School District #1 there were 66 Black and 67 white full time classroom teachers in 1970 but by 1973 there were only 41 Black teachers but there were 80 white teachers.

In Anderson County School District #5 the number of Black teachers fluctuated from 87 to 90 during the years from 1970 to 1973 but the number of white teachers steadily increased from 428 to 474.

In Newberry County the percentage of Black teachers in the

system dropped from 32% in 1969 to 29% in 1973.

In Darlington County, plaintiffs in that district's school desegregation suit alleged that while 48% of the district's teachers were Black in 1968 by 1972 the percentage was down to 41%.

The future of the Black education professional is very much in doubt as these figures reveal. Citizens of this school district know first hand that sometimes community action is necessary to let public school officials know that qualified and experienced Black education leaders must be given an opportunity to assume leadership positions.

These are but a few of the ways in which very real barriers continue to block the pursuit of a quality integrated education in South Carolina. You will note they take a variety of forms and of course I could mention others if time would permit. I have not discussed the widewpread misuse and abuse of I.Q. and standardized tests when used as single instruments by which children are labeled, grouped, and otherwise classified. I have not discussed the apparent disproportionate numbers of Black children in classes for the educable mentally retarded. I have not discussed the inability of school systems to constructively and creatively use mandated Title I Parent Advisory Councils to improve the delivery of Title I funded programs in our schools and to increase parental support for those programs. I have not mentioned the need for more citizens to give more attention to how the policies and programs of their schools are developed and implemented. I have not mentioned the need for new ways for us to look at discipline in our schools and to curb crime and violence while, at the same time, ensuring that

students' rights and due process procedures are respected.

All of these are problems in the post-desegregation era to which we need to address ourselves. In Charleston County there are according to some sources serious questions about racially disproportionate classes, the lack of faculty desegregation in accordance with the Singleton standard which requires that the ratio of Black to white teachers in each school be the same as the overall ratio in the district, and there may be problems with racially disproportionate special education programs. You need only to acquire and examine OCR Forms 101 and 102 and EEOC forms to determine to what extent these problems are to be found in this county.

And what is done about these problems as well as desegregation and the quality of education in this school district depends on you. The desegregation court order under which this district is operating is shockingly out of date. Motions for further relief and subsequent legal actions desperately need to be initiated. Until that is done the cloud of constitutional uncertainty will continue to hang over the desegregation status of this school district. Too, the court order can be used as a vehicle to explore and remedy some other problems which may exist in this district--ranging from disproportionate classes to unequal facilities to unequal programs.

The fact is that the courts are still there and the enforcement agencies are still there if anyone in this community or elsewhere cares to use them.

The resources to aid you in that effort are also available but again what is done depends on what you want to do. If segregated and quasi-segregated schools are good enough for you then there is little I can say to convince you otherwise. But

nothing has changed my mind that one-race schools --Black or white-- are institutions which can only foster an unrealistic and parochial education. Nothing has changed my mind that in many , many ways segregated schools are cheated schools. Certainly barriers will remain, but it is only because that first and most formidable barrier has been eliminated in most South Carolina school districts that our state is moving out of decades of educational deprivation. But that first step must be taken. And when it is taken it must be taken with the full understanding that in so doing you are initiating a process, not achieving a goal.